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PROVISIONAL SUMMARY RECORD OF THE FORTY-EIGHTH MEETING

held at the Palais des Nations, Geneva,
on Friday, 2 May 1975, at 3.30 p.m.

Chairman:	Mr. GALINDO-POHL	El Salvador
Rapporteur:	Mr. NANDAN	Fiji

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N.B. Participants wishing to have corrections to this provisional summary record incorporated in the final summary record of the meeting are requested to submit them in writing in quadruplicate, preferably on a copy of the record itself, to the Official Records Editing Section, room E.4108, Palais des Nations, Geneva, within five working days of receiving the provisional record in their working language.

A/CONF.62/C.2/SR.48
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TERRITORIAL SEA

Draft articles on the territorial sea (A/CONF.62/C.2/L.88)

Mr. VALENCIA RODRIGUEZ (Ecuador) said that his delegation's draft articles (A/CONF.62/C.2/L.88) were a technical presentation of the concept of the territorial sea. They took account of the developing countries, desire and right to exploit the resources of the sea and to put an end to the illegitimate practices of the great Powers in the seas belonging to the peoples of the third world.

The key provision of the text was that under which the coastal State had the right to establish the breadth of its territorial sea up to a distance of 200 nautical miles; in doing so, it would take into account specific factors and interests. That was the principle which Ecuador had consistently advocated at the conference and had applied in determining its territorial sea of 200 miles, in which it had exercised full sovereignty for many years. Not all States should have a 200-mile territorial sea: its breadth would be dependent on the factors and interests referred to in draft article 10, since it would be as absurd to claim that all States should have a territorial sea of the same breadth as to say that geographical conditions were uniform for all countries. Draft article 9, under which the breadth of the territorial sea might be established by regional or sub-regional agreements, was based on the same reasoning.

The concept of the territorial sea embodied in the draft articles responded to the modern concept of sovereignty whereby the State had not only the right but the duty to declare where the limits of its sovereignty lay. It was in that context that draft article laid down that the rights of the coastal State would be exercised without prejudice to the limitations established by the Convention in favour of the international community. The draft articles also provided that two régimes - that of innocent passage and that of freedom of passage - could co-exist in the territorial sea and gave detailed specifications for the exercise of States' rights under those régimes. Without prejudice to the plurality of régimes, the coastal State could regulate all activities concerned with resources lying within its territorial sea and might allow the nationals of other States to exploit the living resources.

The resulting harmonization of two régimes - the sovereignty of the coastal State and the rights of the international community - constituted the only rational means of protecting the resources of the seas adjacent to the countries of the third world. The draft articles not only embodied the essential principle that the coastal State exercised sovereignty in the territorial sea, but also took account of the situation of the land-locked and other geographically disadvantaged States and provided for the necessary co-operation of the coastal State with other States and with the competent international organizations.

For many countries, and certainly for Ecuador, the concept of a territorial sea of the nature and breadth outlined in the draft articles was not an aspiration but an existing right which could not and should not be renounced. That concept was naturally opposed by the great Powers accustomed as they were to establishing unilaterally maritime law that enabled them to exploit the seas of the world. The draft articles were designed to put an end to that situation and to safeguard the rights of the developing countries in a territorial sea of up to 200 miles.

Mr. GHARBI (Morocco) said that, although the draft articles submitted by the de egation of Ecuador (A/CONF.62/C.2/L.88) did not reflect Morocco's position on the limits of national maritime jurisdiction, they had the advantage of clearly stating one extreme position on the subject. His delegation intended to take no formal stand on the issue of the plurality of régimes in the territorial sea. His Government had acted on the recommendation of the Organization of African Unity for a territorial sea of 12 miles on the understanding that a final decision would depend on how the concept of an exclusive economic zone was defined in the Convention.

Nevertheless, his delegation found it easy to sympathize with the preoccupation with national sovereignty and security which had inspired the draft articles on the territorial sea. For his country, indeed, the threat to national sovereignty over the territorial sea was not just a possibility but a reality. In fact, he had been instructed by his Government formally to bring to the notice of the Conference its position on an issue which involved its sovereignty over its maritime space and which was closely bound up with Morocco's approach to a number of subjects before the Conference - the territorial sea, and passage through straits used for international navigation and lying within the territorial seas of more than one State, for example. His Government's reasons for making a formal statement on the subject to the Conference were, first, to safeguard itself against any attempt to usurp its sovereign rights

over its maritime space and, secondly, to explain the position it was taking in the current negotiations and thus to make a useful contribution to the progrees of the Conference.

In a letter dated 26 January 1975 addreesed to the Chairman of the Special Committee on the Implemsntation of the Declaration on the Granting of Independence to Colonial Countries and Peoples (A/AC.109/475), the Government of Morocco had requested that the question of the "Spanish presidios" still existing on the north coast of Morocco should be placed on the agsnda of that Committee. Spain's response, which occurred in February 1975, was considerably to strengthen its naval forces within Moroccan territorial watere. Moreover, in April 1975 Spanieh warships had deliberately attacked Moroccan patrol vessels within a few miles of the Moroccan coast.

It would be recalled that parts of the Moroccan coast near the Straits of Gibraltar and its approaches had been occupied by Spain during that period of its colonial expansion when it had sstablished colonies all along the coast of North Africa. Gibraltar itself had, of course, been ceded to the British Crown under the Treaty of Utrecht of 1713. The colonial status of the enclaves which Spain still occupied within Morocco had always been acknowledged by the Spanish authorities; the Spanish Constitution of 1931, for example, had provided for them to have an autonomous administration directly subordinate to the central authorities. It should be noted that Morocco ha never abandoned its struggle for the liberation of ite national territory. Moreover, its claim had been recognized by the Council of Ministers of the Organization of African Unity in a resolution of 21 February 1975.

Apart from its legitimate deeire to enjoy full sovereignty over the whole of its national territory, however, his Government had good reason to be concerned about the use to which Spain intended to put its colonial enclaves on the northern coaet of Morocco. As recently as July 1965, the periodical "Africa", an official publication of the Spanish Government, had published a strategic plan providing for "barriers", "lines of interception" and "naval defence" in the region surrounding the Straits of Gibraltar and for the "control of sea traffic" in that region, in which the enclaves of Ceuta and Mlilla and Moroccan islands were assigned a most important and a most dangerous role. That official Spanish statement of the bellicose use which Spain intended to assign to its colonial enclaves in Morocco was a direct infringement of Moroccan sovereignty over its maritime space.

The friendly relations between his country and Spain had stood the test of history. It was regrettable, therefore, that the attitude adopted by Spain should have compelled Morocco to denounce its policy of imperial domination. Morocco could not agree to allow parts of its national territory to serve as points of polarization or to be used for any policy with which his Government could not associate itself. His Government supported the principle of innocent passage through international straits, but its national interests as a riparian country of one of the most important international straits required it to interpret that freedom as no longer being absolute, unconditional and unrestrained. That freedom had, in fact, become a right limited by obligations, in conformity with the principles of the United Nations Charter and its aims, which prohibited any domination by one State over another. Accordingly, his Government contended that the new law of the sea should be wholly consistent with the principles and aims of the United Nations and should therefore exclude the persistence of colonialism in any form and, in the case of which he was speaking, the colonial occupation of certain Moroccan territories, in particular those overlooking the Straits of Gibraltar.

In his Government's view the new law of the sea which was being drafted by the Conference should contain objective rules making as clear a delimitation as possible of the responsibilities of the user States of international straits and their rights, and of the responsibilities and rights - including the right to territorial integrity - of riparian States of such straits. The general purpose of those rules would be to safeguard the riparian State, under the protection of the international community, from all danger and all harm, so that no riparian State would need to legislate itself on matters concerning international navigation in those of its territorial waters which coincided with international straits. It was in that spirit that his delegation would continue negotiations within the Conference.

In conclusion, he said that the new law of the sea should in all its parts give expression to the principle of peaceful co-existence. Maritime space could link or separate, depending on whether it was used for domination or in a spirit of mutual respect. The international community had surely learned the limits of resort to force and could legitimately expect some improvement of the rules governing the conduct of international affairs.

Mr. ROMLEH (Somalia), supporting the draft articles submitted by Ecuador (A/CONF.62/C.2/L.88), said that since 1972 his country had had a 200-mile territorial sea. The concept of the territorial sea implied that since, in international law, the territorial sea was an integral part of the territory of a State, the coastal State had

the inalienable right to exercise sovereignty over it. A considerable number of States - the overwhelming majority of them vulnerable developing coastal States - supported that concept: it enjoyed widespread support in Latin America, and the majority of African coastal States already had territorial seas extending beyond 12 miles. That trend was reflected in Provision 22, formula B, in the document on main trends (A/CONF.62/C.2/WP.1). Since the Caracas session, nothing had happened to alter that situation. Under the draft articles submitted by Ecuador, the sovereignty of the coastal State would not be absolute, but would be exercised subject to the other provisions of the future Convention. Articles 4, 5, 6 and 7 fully provided for the legitimate interests of both the international community and the land-locked and other geographically disadvantaged States.

There was widespread support for the concept of the territorial sea among an increasing number of developing coastal States, which justifiably felt that no other system would sufficiently protect their meagre marine resources and their security. It was his hope that the position held by the "territorialist" group would be reflected in the single text currently being prepared.

Mr. LUPINACCI (Uruguay) expressed his delegation's support for the concept underlying the draft articles submitted by Ecuador (A/CONF.62/C.2/L.88). His country, too, held that States held sovereignty over the sea adjacent to their coasts up to a maximum of 200 miles, without prejudice to the freedom of international navigation. In the case of Uruguay, that freedom was defined in such a way as to ensure a proper balance between the interests of coastal States and those of third States and to enable the coastal State's sovereignty to co-exist with freedom for certain legitimate uses of the sea in the interests of all States and the international community as a whole.

The affirmation and consolidation of the sovereignty of States in the seas adjacent to their coasts was at the very heart of the current crisis concerning the law of the sea, which did not meet the new requirements of the peoples of the world and was strongly influenced by the interests of the big maritime Powers. The main consequences of the exercise of naval power in peacetime by the big maritime Powers were clear: it was as if the coastal States were neighbours of the big naval Powers, their frontier with those Powers being determined by the external limit of their zone

of maritime sovereignty. The confrontation between, on the one hand, small and medium-sized coastal States, which extended their sovereignty over the adjacent sea and, on the other, the big maritime Powers, which sought to restrict that sovereignty, should be seen in that light.

His delegation therefore considered that, although the draft articles submitted by Ecuador did not fully reflect his country's position, they made an important contribution to the discussion of the subject and to the establishment of a new legal order for the seas based on justice and respect for the rights of all peoples.

Mr. LI In Gyu (Democratic People's Republic of Korea) said that the question of the territorial sea was of vital concern to coastal States in the defence of their national independence, security and resources. The demand of the countries of the third world for the establishment of a territorial sea was a consequence of their bitter experience at the hands of the imperialists and colonialists. That was why the question of a 200-mile territorial sea had first been raised by the countries of Latin America, which had endured incessant provocation and plunder on the part of the United States. It also explained why the question of a 200-mile economic zone had been raised by the African countries, which had seen their marine resources plundered by the imperialists and colonialists. In his delegation's view, these claims were justified, as a means of enabling the countries of the third world to safeguard their national sovereignty from imperialist aggression.

Since the imperialist powers were still seeking to rule the seas, the developing countries had to determine the breadth of their territorial sea in such a way as to defend their national dignity, interests and security. Their sovereignty could not be sacrificed to the interests of the imperialist powers. It followed that, under the new law of the sea, each country should be entitled to determine the breadth of its territorial sea or of its economic zone, up to a distance of 200 miles, independently and rationally, taking account of social, economic and geographical conditions, its security and defence, the rational utilization of the sea, and the interests of other countries.

In the past, his country had been attacked from the sea by Japan and by the United States and was still being subjected to aggression and provocation, also carried out by sea, from the United States troops which were occupying South Korea. At the same time, his country's marine resources were being plundered by the United States and Japan. Moreover, even during the period of the Conference the United States had committed acts of provocation against passenger vessels of his country.

His delegation supported the draft articles submitted by Ecuador, since they reflected the will of the countries of the third world to safeguard their sovereignty, national independence and security.

Mr. BAKULA (Peru) said that Peru had decided in 1947 to exercise full sovereignty and jurisdiction over the seas adjacent to its coast up to a distance of 200 miles. It was not the first or the only State to do so: the right had been recognized as legitimate by the International Court of Justice. Such acts of sovereignty obviously had an influence on the development of the law of the sea. Some 30 developing countries were already exercising their right to safeguard their natural resources, economic independence and sovereignty by similar measures. The stand taken by his own and other countries enjoyed firm support from the third world countries; their support had been reaffirmed in recent years at meetings in Lusaka, Algiers and Lima.

There were points in common between his country's position and that of Ecuador and also some differences, but the latter did not prevent him from supporting Ecuador's proposals.

For the reasons he had outlined, the Conference would obviously fall into two very definite camps. On the one side would be those holding the "territorialist" position, which advocated full sovereignty and jurisdiction over a territorial sea of 200 miles, as the best instrument for supporting a country's full right to safeguard the wealth and natural resources of its seas and thereby its economic independence, for the benefit of its people. On the other side would be those who wished to maintain the existing law of the sea to serve monopolistic interests.

Mr. RODRIGUES (Brazil) said that all countries, whether "territorialist" or not, should be grateful to the representative of Ecuador for submitting his draft articles. His own delegation had earlier expressed the view that the territorial sea was the simplest, most logical and most coherent expression of what the basis of the new order of the seas that the Conference was trying to prepare should be. The Ecuadorian proposals should greatly contribute to that work.

Unfortunately, the position of the countries which advocated a 200-mile territorial sea was often distorted, so that those countries appeared to be asking for more and more and seeking to keep others out of their territorial waters. In fact, none of those countries wanted a mare clausum, and the territorial sea described in the draft articles was one in which all interests were acommodated. If representatives considered the document carefully and objectively, he was sure they would realize that the territorial sea did not imply exclusive power for the coastal States. The Convention would provide safeguards for the essential interests of every State. The proposals were an attempt to establish, not an artificial and unilateral system, but a system that would be of benefit to all countries, both coastal and non-coastal.

Mr. BANGOURA (Guinea) said that his delegation appreciated the efforts of the representative of Ecuador in preparing the draft articles before the Committee. At the most recent plenary meeting the President had asked delegations to make every effort to agree on a negotiating document, but there seemed to be no prospect of agreement when the discussions consistently ignored the developing countries' need for sovereignty and while some States continued to take advantage of other States. His Government had always insisted that there could be no development without sovereignty; in order to safeguard its interests it had always firmly supported the idea of a territorial sea rather than the idea of the economic zone. He wished to make it clear, however, that as his Government understood it, the territorial sea in no way excluded the exploitation of biological resources by and for the benefit of neighbouring land-locked States. His Government's support for the new draft articles was, in short, based on the fact that they came closer than any other proposal to serving the interests of countries which had always been victimized.

Mr. KE Tsai-shuo (China) said that the draft articles submitted by Ecuador (A/CONF.62/C.2/L.88) were of positive significance to the work of the Committee.

The Chinese Government and people had always firmly supported the struggle of the third world countries to safeguard their rights in a 200-mile maritime zone for the purpose of preserving national resources, developing the national economy and defending State sovereignty. That just struggle against maritime hegemony, begun by Latin America, had gained the support of many small and medium-sized countries and had become the essence of the new law of the sea which was being formulated by the Conference. The new draft articles included some important principles that should be embodied in the new law of the sea.

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His delegation had always held that a coastal State was entitled, within reason, to define the breadth and limits of its territorial sea according to its geographical features and its economic development and national security needs, with due regard to the legitimate interests of neighbouring States and to the convenience of international navigation. A reasonable maximum breadth, with general international applicability, should be determined by the countries of the world through consultations on the basis of equality. The spirit of the relevant provisions of the Ecuadorian proposal was identical with that position.

The majority of developing and other countries favoured an exclusive economic zone not exceeding 200 miles and measured from the baseline of the territorial sea, to be delimited by each country in accordance with its legitimate needs and for the purpose of defending its national sovereignty, independence and resources. Some other developing countries favoured, for the same purposes, the establishment of a 200-mile territorial sea with different regulations for individual sectors of it. The proposals stemmed, in each case, from the same position, namely, the need to safeguard State sovereignty, oppose aggression, expansion and plunder by the hegemonic Powers, and defend maritime rights within a 200-mile zone. The differences could certainly be resolved through consultations.

A serious question arose, however, when the super-Powers tried to impose a strict limitation on the breadth of the territorial sea. To them, the narrower the territorial sea and the wider the so-called high seas, the better, so that they could do as they pleased in the open sea. They had not only continued by all possible means to negate the essence of the exclusive zone, but had also sought to separate from the territorial sea straits lying within it which were used for international navigation, and to turn them into part of the high seas. The developing and other small and medium-sized countries would have to intensify their unity and persist in their just struggle if they wanted a new law of the sea that conformed to the needs of the times.

The super-Powers were still claiming that there could be no agreement so long as the developing and other small and medium-sized countries refused to abandon their maritime rights within a 200-mile maritime zone. Owing to their truculent attitude, the Conference had failed to achieve the expected progress. It was to be hoped that the situation would be rectified in the near future.

Mr. LAURENZA (Panama) said that his delegation supported the draft articles submitted by Ecuador (A/CONF.62/C.2/L.88), which clearly expressed his own delegation's views. A new era had dawned in which all people had the right to share ocean space so that the wealth of the world would be better distributed in the interests of universal social justice.

Mr. YOLGA (Turkey) said that the establishment of a territorial sea up to a distance of 200 nautical miles, as proposed in document A/CONF.62/C.2/L.88, was designed to suit certain geographical situations which were not universal or even respresentative; a 200-mile limit was of interest only to countries which had a sufficient breadth of sea. There were some narrow seas, however, where the distance between neighbouring coastal States was less than 20 miles and in such cases a distance of 12 nautical miles should be the absolute maximum.

In narrow seas, the limited space was used jointly by neighbouring coastal States, and any extension of the breadth of the territorial sea would be tantamount to an annexation of territory, except when the purpose of the extension was to provide for innocent passage. The territorial sea was an integral part of a State's territory, and in some cases if one party extended its territorial sea beyond the existing breadth the balance would be disturbed. Accordingly, the question of the breadth of the territorial sea should be dealt with in accordance with the geographical situation of States.

His delegation had submitted draft articles at the second session of the Conference providing that the breadth of the territorial sea should be fixed jointly by the coastal States of the region concerned. He therefore welcomed the inclusion of that principle in paragraphs 9 and 10 of the Ecuadorian proposal. The representative of China had referred to the need to take account of the legitimate interests of neighbouring States in fixing the breadth of the territorial sea. He agreed, and suggested that paragraph 10 should be amended to take account of the interests of neighbouring States, as well as the interests of coastal States.

Mr. RANJEVA (Madagascar) said that he supported both the statement of the Moroccan representative and the proposals submitted by Ecuador (A/CONF.62/C.2/L.88), because they highlighted the fact that while the sovereignty of the coastal State remained the keystone of any politico-legal régime for the seas, international justice demanded that the security of a coastal State's neighbours should be safeguarded.

The Ecuadorian draft articles provided a masterly definition of territorial waters; they were at the same time flexible in that they contemplated plurality of régime for differe. purposes. An importa.t feature was the provision in draft article 6 whereby coastal States renounced selfish interests for the benefit of their neighbours. The draft articles were also realistic, since it was clear that coastal States had to ensure their sovereignty and their development by exercising their rights. On the other hand, the maximum limit of 200 miles for territorial waters was optional and was subject to the provisions of draft articles 9 and 10, which took account of the interests of other parties.

Mr. MAIGA (Mali) said that his delegation could not support the draft articles in document A/CONF.62/C.2/L.88, because they took no account of international realities. The proposed plurality of régimes might well serve to increase international insecurity, and the concept of the exclusive economic zone was virtually excluded by the proposal to extend territorial waters up to 200 miles. The main defect of the proposals, however, was that they accorded no legal recognition to the right of land-locked and geographically disadvantaged States to share in maritime resources. The language used in draft article 6 made participation completely dependent upon the goodwill of the coastal State concerned. Such an approach undermined the basis of the new economic order, which sought to give to all a fair share of the resources available and equal opportunities of development.

Mr. FERNANDES (Guinea-Bissau) said that his delegation supported the Ecuadorian proposals (A/CONF.62/C.2/L.88) which seemed to meet the requirements of both coastal and other States. He agreed in principle to fixing the limit of territorial waters at 200 miles; only recently his country had passed a law extending its territorial waters to 150 miles - a figure which was subject to latsr review - in order to deal with the large numbers of foreign fishing vessels operating off its coast. As a small country, Guinea-Bissau required an international consensus on the subject in order to safeguard its national security.

Mr. PLAKA (Albania) said that he supported in principle the proposal submitted by Ecuador (A/CONF.62/C.2/L.88) which marked an advance for progressive ideas on the law of the sea in a problem involving the rights of sovereign countries. His Government supported the principle that all sovereign States had the right to determine the breadth of their territorial seas reasonably, without prejudice to the interests of neighbouring States or international navigation, according to specific

geographical, biological and oceanographic conditions, taking into account the overriding needs of their own national security. Consequently, his Government had always supported the right of Latin American, African and Asian countries to extend their territorial seas to a distance of 200 nautical miles.

In the light of the threat presented by the policy of the United States of America and of the Union of Soviet Socialist Republics, whose fleets of warships dominated the seas, violated the territorial waters of coastal States and plundered the natural resources of the maritime space of sovereign countries, his country considered that the breadth of the territorial seas of sovereign countries should not be less than 12 nautical miles.

A number of States had already established their territorial waters at a breadth of 20, 30, 130 or 200 nautical miles. Other countries were about to extend their territorial waters since their security was being threatened and their biological wealth plundered by the large fleets of the two super Powers. No one doubted that the convention would take account of the sovereign rights of States in that connexion. There were good reasons why it should provide for an extended territorial sea: first and foremost national security. International tension was aggravated by the aggressive activities of the United States and the Soviet Union, by the concentration of their vast military forces in Europe, Asia and elsewhere and of their naval strength in the Mediterranean and the Indian Oceans, their military bases everywhere, and their military operations close to the frontiers or coasts of peaceful countries. That situation demanded urgent national defence measures by all peaceful States.

The two super Powers were dividing the world into spheres of influence and sharing world markets with the aim of dominating the whole world. They were armed to the teeth, while they sought to disarm others and to reduce the sovereign rights of peaceful States in the maritime sphere. Although they had fixed the limit of their territorial seas on the basis of their own interests, they were threatening sovereign countries which had extended their own territorial waters beyond the 12-mile limit with a view to protecting their own national security and economic interests.

There was no recognized limit for the breadth of the territorial waters; by custom and practice each State decided the breadth for itself - a principle recognized in document A/CONF.62/C.2/WP.1. The two super-Powers had their reasons for trying to impose a limit of 12 miles. They were trying to get States to accept that limit in exchange for recognition of an exclusive economic zone. That was not the right way to approach the question because States could not trade away their Sovereign rights. In fact, the exclusive economic zone that was being offered was no more than the high seas in another guise and thereby drastically reduced the rights of coastal States over their own waters, particularly with regard to fishing. The sovereign, freedom-loving countries had become increasingly aware at the current session that the two imperialist super-Powers were determined to preserve the privileges acquired by their gunboat policy, and that the only way to secure their legitimate rights was by uncompromising struggle to safeguard their national security and their legitimate economic interests.

Mr. GODOY (Paraguay) said that although he appreciated the reasonable concern of coastal States to protect their resources, the draft articles in document A/CONF.62/C.2/L.86 could not satisfy the needs of land-locked and geographically disadvantaged States. Under draft article 3, the convention would impose no limit on the exercise of total sovereignity by coastal States up to a distance of 200 miles: that would be equivalent in many cases to an extension of their territory by 300 per cent, without any corresponding benefit to land-locked and geographically disadvantaged countries. It was true that draft article 6 made provision for some form of participation, but only by way of concession on the part of the coastal State and without any definition of the type of State to which it might apply. If, however, the rights of land-locked and geographically disadvantaged States were not formally recognized, their peoples could not be blamed for failing to distinguish between large and small coastal States, since all of them would in effect be exercising a new form of imperialism by claiming a monopoly of marine resources.

Mr. PRANDLER (Hungary) said that his delegation had always counselled moderation at meetings of the Group of land-locked and geographically disadvantaged States, with a view to reaching an accommodation with coastal States. It was therefore disappointing that there had been no response on the part of the latter, particularly

among those advocating a 200 mile limit for territorial waters. The draft articles in document A/CONF.62/C.2/L.88 were not new - they were reflected in A/CONF.62/C.2/WP.1 and had already be n discussed and rejecte . The reasons why they were unacceptable had just been reiterated by the representatives of Mali and Paraguay. If the following session of the Conference was to produce a convention, those advocating a 200 mile limit must recognize, like other delegations, the need to modify their original views.

Mr. TOULOUPAS (Greece) said that his delegation could support the Ecuadorian proposals, despite its reservations about some of the provisions concerning the extension of the territorial seas beyond 12 nautical miles. The ideas underlying the proposals were the freedom of States to establish the breadth of their territorial sea, and respect for sovereignty. One delegation, however, had stated that in narrow seas where two countries faced each other, that right should not exist; he had even criticized the part of draft article 10 which provided that a State could extend its territorial waters for reasons of security. He would not comment on that statement, but would leave it to the judgement of members of the Committee.

Mr. JAYAKUMAR (Singapore) said that for reasons which it had stated on previous occasions, his delegation could not accept the Ecuadorian proposals in document A/CONF.62/C.2/L.88, particularly the proposal to extend the territorial waters of coastal States to 200 miles. Furthermore, the provision in draft article 6 relating to land-locked and geographically disadvantaged countries was lamentably weak.

Mr. YTURRIAGA (Spain), speaking in exercise of the right of reply, said that he could only deplore the statement made by the representative of Morocco. The Conference was already complicated enough without having to cope with bilateral questions which should not have been raised at the Conference and could not be resolved by it.

His country's position regarding the matter in question, as set forth in a letter dated 12 February 1975 from the Permanent Representative of Spain to the United Nations to the Chairman of the Committee of Twenty-four (A/AC.109/477), was well-known, and there was no need for him to repeat it in detail. He would merely point out that the statement he had referred to contained errors and inaccuracies of fact and law, and his delegation reserved the right to speak again, if appropriate, to make the necessary clarifications.

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In his delegation's view, the Committee should concentrate on the difficult task of negotiation which had been entrusted to it, with a view to reaching a just and equitable solution for all the problems of the law of the sea.

Mr. Soo Kil PARK (Republic of Korea) speaking in exercise of the right of reply, said that the representative of the Democratic People's Republic of Korea had described his country as being under foreign occupation: that was a complete distortion of the facts. When, in 1951, the Democratic People's Republic of Korea had attacked his country, United Nations forces had been sent to Korea in conformity with United Nations resolutions. His Government would be willing to see those forces depart if the Democratic People's Republic of Korea was prepared to renounce its bellicose policy.

Mr. GHARBI (Morocco), speaking in exercise of the right of reply, said that the point at issue between his country and Spain was closely linked with the question of territorial waters and that the existing illogical and one-sided claims might cause international complications. His delegation had noted that the Spanish representative held that the issue should be settled by the parties concerned. His delegation considered that the Spanish periodical Africa which it had distributed to all delegations constituted sufficient evidence in itself of the justice of the Moroccan case.

DRAFT STATEMENT ON THE WORK OF THE SECOND COMMITTEE (A/CONF.62/C.2/L.89)

Mr. NANDAN (Fiji), Rapporteur, introducing his draft statement on the work of the Second Committee (A/CONF.62/C.2/L.89), said that it was modelled on a similar statement on the work of the second session. He drew attention to drafting changes in paragraphs 3 and 5. The statement would have two appendices, one listing the formal documents submitted to the Committee and the other containing an index to the summary records of its formal meetings.

Mr. DJALAL (Indonesia) pointed out that archipelagic waters should be included in the list of subjects mentioned in paragraph 5. He proposed that the end of the second line of paragraph 14 should be amended to read "in informal consultative and other groups".

Mr. NANDAN (Fiji), Rapporteur, accepted those amendments.

The Committee took note of the draft statement on its work.

The meeting rose at 6.15 p.m.

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